

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KIAMBU

ADOPTION CASE NO 22A OF 2017

IN THE MATTER OF ADOPTION OF BABY S. S.

BY

J. M. N..... APPLICANT

JUDGMENT

1. Baby S. S, a female, was offered for adoption by her biological mother on 21st December, 2015, a day after her birth on 20/12/15. The biological mother **L. A** was born in 1997 but the biological father is unknown. **L. A** has another child **V. A.** and gave up the subject child for adoption because she was unable to provide for the two children. **S. S.** was admitted into the New Life Home Trust and formally admitted to the home *vide* an order made in Nairobi **C & P Case No. 134 of 2016**. **Baby S. S.** was declared free for adoption by Change Trust *vide* certificate No.0191 of 8th December 2016. On 20th January 2017 **S.S.** was placed in the care of **J.M.N.** the Applicant.

2. The Applicant is aged 42 years and has applied to adopt **Baby S.S.** The Applicant resides at Thindigua Kiambu and is a business woman with a regular income. She is single and subscribes to the Christian faith. According to the Social Inquiry Report by Change Trust, the adoption agency, the Applicant has another child in her care, **Z. M** aged five years also placed in her care by the New Life Home Trust. The adoption process in respect of **Z. M** is ongoing. The Applicant has never been married and though she has desired to be a parent she did not want a child out of wedlock on faith grounds.

3. Apart from the social inquiry report by Change Trust, reports have been filed by the guardian *ad litem* M W K and the County Children Coordinator, Kiambu County. The reports state that the Applicant is emotionally stable and capable of providing for the two adoptive children. It appears from the reports that the Applicant's motivation is her desire to give love and care as a mother to the adoptive children and to raise them well. Evidently, as a business woman, she has the financial means to provide for the children and herself. The children coordinator recommends the adoption pointing out that the child has bonded well with the Applicant and the extended family which is supportive of the adoption.

4. On the occasions when this matter came up, the Applicant was accompanied by her two adoptive children. It is evident that the trio has bonded well. In an application of this nature, the court must consider the best interest of the adoptive child as required under **Article 53** of the Constitution. Having reviewed all the material presented, I agree with the Children coordinator's report that the Applicant has met all the requirements for a local adoption under the Children Act. Further, the court is satisfied that the integration of **Baby S. S** in a family which loves and is capable of providing for her is in her best interest. In the circumstances, I will grant prayer (b) and (e) of the originating summons filed on 28th November, 2017. Additionally, the court appoints M M and A W T as legal guardian to **Baby S. S** in the event of the Applicant dying before **S. S** becomes an adult.

DELIVERED AND SIGNED AT KIAMBU THIS 28TH DAY OF SEPTEMBER, 2018

In the Presence of:

For the Applicant – in person

C. MEOLI

JUDGE